

EXHIBIT B-1

EXHIBIT 22

UNITED STATES DISTRICT COURT
FOR THE
DISTRICT OF COLUMBIA

EDMOND GRANT, GREENHEART MUSIC LIMITED,)
Plaintiff)
v.) Civil Action No.
DONALD J. TRUMP,) 1:20-cv-07103
DONALD J. TRUMP FOR PRESIDENT, INC.)
Defendant.)

* * * * *

CONTAINS CONFIDENTIAL INFORMATION

VIDEOTAPED DEPOSITION OF DANIEL J. SCAVINO, Jr.

Friday, February 3, 2023, 3:06 p.m. EDT

ZOOM VIDEOCONFERENCE

MAGNA LEGAL SERVICES
(866) 624-6221
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Page 18

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Page 19

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Page 20

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Page 21

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11 Q When you were at the White House working for
12 -- working under the EOP, what was your title?

13 A In the White House, I was Director of Social
14 Media and Assistant to the President. In 2019 there
15 was a title of Director of Digital -- Director of
16 Digital.

17 Q What was your title in 2020?

18 A '20 -- In 2020, in April of -- and then in
19 April of 2020, director -- I'm sorry. Deputy Chief of
20 Staff for Communications in -- it was April or May of
21 2020.

1 Q Through -- when did that title end?

2 A January 20th, 2021.

3 Q And so in 2020, what were your roles and
4 responsibilities as the Director of Communications
5 that you just mentioned you started in April?

6 A [REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]

12 Q As part of your job in 2020 as Director of
13 Communications, did you consult with copyright,
14 trademark or patent attorneys?

15 A No.

16 Q In 2020, did you -- strike that. In 2020,
17 were you employed by a company called Donald J. Trump
18 for President, Inc.?

19 A In when? I'm sorry.

20 Q In 2020, were you also employed by a company
21 called Donald J. Trump for President, Inc.?

Page 22

1 A No, I was not employed by anybody other than
2 the EO -- the Executive Office of the president.

3 Q Did you do any work for a company or with a
4 company called Donald J. Trump for President, Inc. In
5 2020?

6 A No.

7 Q [REDACTED]
[REDACTED]
[REDACTED]

10 Q Now, prior to being hired by the EOP, you
11 worked for Donald J. Trump for President, what was
12 your role when you were hired in that job and you said
13 that began in or about June of 2015?

14 A [REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]

18 Q And that was for the purpose to assist in
19 the presidential bid for Mr. Trump; correct?

20 A That was -- that's correct, yes.

21 Q And at the time you were working for Donald

Page 23

1 J. Trump for President, were you a W-2 employee or a
2 1099 contractor or both?

3 A What year is this? I'm sorry.

4 Q That would have been when you were working
5 for Donald J. Trump for President, in or about June of
6 2015 until you became a member of the EOP?

7 A [REDACTED]

8 Q And in your role for Donald J. Trump for
9 President, from on or about June of 2015 until January
10 of 2017, did you consult with any copyright, trademark
11 or patent attorneys?

12 A [REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]

17 Q Do you recall what that process was?

18 A [REDACTED]
[REDACTED]

20 Q Yes, sir.

21 A [REDACTED]

Page 24

1 [REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]

8 Q Do you remember any of the individuals that
9 were involved in the process?

10 A No.

11 Q Did part of the process involve having
12 attorneys review the materials to determine copyright
13 and trademark law compliance?

14 A [REDACTED]
[REDACTED]
[REDACTED]

18 MR. WOODARD: Hey, Brad, I'm sorry to
19 interpret but I assume I'm not the one to be objecting
20 here, that that would be Darren and his crew? That
21 would be your position?

Page 25

1 MR. VAN BENTHUSEN: That would be my
2 position.

3 MR. WOODARD: Yeah. Okay. All right. I
4 would have objected to the form but it's not my case.
5 Go ahead.

6 MR. SAUNDERS: Well, yes. I mean, Stanley,
7 you certainly have the right to object but since
8 you're representing the witness and we have the right
9 to object on behalf of the Defendants.

10 MR. WOODARD: There you are, Darren, I just
11 wanted to make sure you were with us.

12 MR. VAN BENTHUSEN: Good tip, Stanley.

13 BY MR. VAN BENTHUSEN:

14 Q When you were communications director for
15 the White House, and let's -- let's stay focused on
16 the year of 2020 --

17 A Mm-hmm.

18 Q -- what were your roles and responsibilities
19 with respect to social media?

20 A [REDACTED]
[REDACTED]

Page 26

Q And did there come a time when -- well, let me go back. And that would be to promote the -- the Trump presidency; correct?

A [REDACTED]

Q So it would have been his presidency, would it have been his reelection campaign in 2020 as well?

A [REDACTED]

Q But there were communications that were intended for his reelection campaign?

A [REDACTED]

Q Do you know when the entity Donald J. Trump for President, Inc. was formed?

A I do not, no.

Q Do you know ion or about 2020 who the

Page 27

officers and directors of the company were?

A Of --

Q Donald J. Trump for President, Inc.?

A The officers?

Q The officers and/or directors?

A I don't know the organizational chart or how it worked. There were a lot of people. I know who the campaign manager was. I don't know if that's considered an officer or director.

Q Well, who was the campaign manager?

A [REDACTED]

Q And was he the campaign manager in 2020?

A [REDACTED]

Q Okay. How many people would you estimate that the company employed in 2020?

A The company would --

Q The Company meaning Donald J. Trump for President, Inc.

Page 28

A I have no idea. I have no idea. I couldn't give you a number.

Q That's okay. Don't guess.

A Yeah. Sorry.

Q Do you know if the company had in-house general counsel?

A [REDACTED]

Q I'm sorry. You broke up a little bit. Could you just say that one more time?

A [REDACTED]

Q And who was that?

A [REDACTED]

Q And do you recall if they were acting as general counsel in 2020?

A [REDACTED]

Q Was the purpose of the company Donald J. Trump for President, Inc. to support Mr. Trump's bid for election and reelection?

A In 2020?

Page 29

Q In 2020?

A Yeah.

Q Did it have any -- did it have any other business purposes?

A It was for his -- for his reelection.

Q And you said that -- you mentioned the name [REDACTED] as the campaign manager? What was his last name again?

A [REDACTED]

Q Did [REDACTED] run the day-to-day operations of the company in 2020?

A [REDACTED]

Q Do you know if the company prepared campaign materials for Mr. Trump?

A [REDACTED]

Q I'm sorry. I'll rephrase. Do you know if

Page 34

Page 35

[illegible]

A horizontal bar chart titled 'Country' showing the percentage of respondents for each country. The y-axis lists 15 countries, and the x-axis represents the percentage of respondents, ranging from 0% to 100%. The bars are ordered by the percentage of respondents, with the highest percentage being 100% for one country and the lowest being 1% for another.

Country	Percentage of Respondents
Country 1	100%
Country 2	95%
Country 3	85%
Country 4	80%
Country 5	75%
Country 6	70%
Country 7	65%
Country 8	60%
Country 9	55%
Country 10	50%
Country 11	45%
Country 12	40%
Country 13	35%
Country 14	30%
Country 15	1%

11 Q Do you recall how many followers that
12 Twitter account @realDonaldTrump had in August of
13 2020?

14 A 75, 80 million. I don't recall an exact
15 number.

16 Q But you think it was in the high eight
17 figures?

18 A Yeah.

19 Q [REDACTED]
[REDACTED]
[REDACTED]

Page 36

Page 37

[illegible][illegible]

Page 38

Page 39

Q

1

MR. SAUNDERS: Objection. Vague and ambiguous.

BY MR. VAN BENTHUSEN:

Q

Page 40

Page 41

A

1

Q

Page 42

1 [REDACTED]
 2 [REDACTED]
 3 [REDACTED]
 4 [REDACTED]
 5 [REDACTED]
 6 [REDACTED]
 7 [REDACTED]
 8 [REDACTED]
 9 [REDACTED]
 10 [REDACTED]
 11 [REDACTED]
 12 [REDACTED]
 13 [REDACTED]
 14 [REDACTED]
 15 MR. SAUNDERS: Objection.
 16 MR. VAN BENTHUSEN: You can answer?
 17 MR. SAUNDERS: Objection to the form of the
 18 question.
 19 BY MR. VAN BENTHUSEN:
 20 Q You can answer, Mr. Scavino.
 21 A Can you ask it again? I'm sorry.

Page 44

1 [REDACTED]
 2 [REDACTED]
 3 Q Well, let's talk about that a little bit.
 4 A Mm-hmm.
 5 Q [REDACTED]
 6 [REDACTED]
 7 [REDACTED]
 8 [REDACTED]
 9 [REDACTED]
 10 [REDACTED]
 11 [REDACTED]
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 13 [REDACTED]
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 100 [REDACTED]

Page 43

1 MR. VAN BENTHUSEN: Can I ask that the
 2 question be read back?
 3 THE DEPONENT: Thanks. Sure thing. One
 4 second. So sorry.
 5 (The record was read as requested.)
 6 THE DEPONENT: [REDACTED]
 7 [REDACTED]
 8 [REDACTED]
 9 [REDACTED]
 10 [REDACTED]
 11 [REDACTED]
 12 [REDACTED]
 13 [REDACTED]
 14 BY MR. VAN BENTHUSEN:
 15 Q [REDACTED]
 16 [REDACTED]
 17 [REDACTED]
 18 [REDACTED]
 19 [REDACTED]
 20 [REDACTED]
 21 [REDACTED]
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Page 45

1 [REDACTED]
 2 [REDACTED]
 3 [REDACTED].
 4 MR. WOODARD: Dan, You've got to answer yes
 5 or no.
 6 THE DEPONENT: [REDACTED]
 7 [REDACTED]
 8 BY MR. VAN BENTHUSEN:
 9 Q [REDACTED]
 10 [REDACTED]
 11 [REDACTED]
 12 [REDACTED]
 13 [REDACTED]
 14 [REDACTED]
 15 [REDACTED]
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Page 46

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Page 47

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A

5

MR. WOODARD: Counsel, can I -- can we just specify the handle there?

7

BY MR. VAN BENTHUSEN:

8

Q

9

MR. WOODARD:

10

BY MR. VAN BENTHUSEN:

11

Q Mr. Scavino, I believe your answer was no?

12

A

13

Q Correct.

14

A

16

Q Well, That was going to be my next question.

17

Page 48

1

J.

Page 49

1

A

Mm-hmm.

2

MR. VAN BENTHUSEN: Let me just see if I remember how to do this.

5

THE DEPONENT: Is there another screen here that I'm not looking --

7

MR. VAN BENTHUSEN: I'm going to share my screen with you. Just give me a minute.

9

THE DEPONENT: Got you.

10

MR. VAN BENTHUSEN: I'm also going to post it to the chat if anyone wants to download it for the Defendants and Stanley. And I'll share my screen now?

12

(Plaintiff's Exhibit 6 was marked for identification.)

14

BY MR. VAN BENTHUSEN:

15

Q Mr. Scavino, do you see the picture of a tweet of my computer screen right now?

18

A Yes.

19

Q I'm going to mark this as Plaintiff's Exhibit 6. We marked 1 through 5 previously, so I'm going to mark this as 6.

20

21

Page 50

1 Is this a copy of a tweet on
2 @realDonaldTrump from August 12, 2020?

3 A Yes.

4 Q [REDACTED]

[REDACTED]

Page 51

1 A [REDACTED]

11 I have the
12 video. Which I'll show you. If you want to wait
13 until I show you the video, to answer that question,
14 we can do that?

A [REDACTED]

[REDACTED]

Page 52

1 A [REDACTED]

[REDACTED]

19 Q I'm going to show you -- I can take that
20 down now --

21 MR. WOODARD: Hey, Brad, I'm sorry to

Page 53

1 interrupt. Before you do that, could we just clarify,
2 when you said a copy of a tweet, it looks like it's
3 from the Way Back Machine. I assume you don't dispute
4 that?

5 MR. VAN BENTHUSEN: I'm sorry, Stanley.
6 Could you say that again?

7 MR. SAUNDERS: Yeah, you faded Stanley. I
8 couldn't hear you either.

9 MR. WOODARD: Could you post -- put the
10 exhibit back, please?

11 MR. VAN BENTHUSEN: Sure.

12 MR. WOODARD: I just want to make clear for
13 the record, Counsel, that this appears to be from the
14 Way Back Machine.

15 MR. SAUNDERS: I can't see. Hold on.

16 MR. WOODARD: -- as opposed to a copy from
17 Twitter.

18 MR. SAUNDERS: I can't tell but, for the
19 record, can you identify where this exhibit came from?

20 MR. VAN BENTHUSEN: Well, Darren, I believe
21 this was the image that was contained in one of your

Page 62

Page 63

THE DEPONENT: My recollection is the video -- it was just the video in the feed. We --

BY MR. VAN BENTHYSSEN:

Q In the Twitter app or web application feed?

A It was just a video that -- that would play. There was no redirect to anything. There wasn't like links to go to other things if you watch the video, if that's I think what you are asking me?

Q Yeah. So if you clicked play on the video, it played in the -- when you were on the Twitter app it would play directly from the Twitter app it wouldn't send you to a YouTube video, would it?

A No --

MR. SAUNDERS: Hold on. I want to make sure that the question is clear. Are you just talking generally or specific to the video in the litigation?

MR. VAN BENTHUSEN: I'm talking specific to the video in the litigation.

MR. SAUNDERS: Okay.

BY MR. VAN BENTHYSSEN:

Q When you clicked on the video in the August

12 link, were you redirected to YouTube or Facebook or any other application or did it play from the Twitter

A It just played from the Twitter app just on Twitter because it was the upload of a direct embed of just the video with no re-- I know what you're -- what you're talking about but there was no send -- watch the video with options to click to different platforms to watch it elsewhere or to redirect anything. It was just the video in the feed.

Q Okay. All right. Thank you for that. Are you familiar with the song Electric Avenue by Eddy Grant.

A I am now.

Q Were you familiar with the song before August of 2020?

A Somewhat. Somewhat. I mean, I've heard it before.

Q [REDACTED]

MR. SAUNDERS: Hold on a second. I didn't

Page 64

Page 65

hear the question.

MR. VAN BENTHYSSEN: Can you read back the question, please, Ms. Alexis?

THE REPORTER: Sure thing. One moment.

(The record was read as requested.)

MR. SAUNDERS: Okay, I'm good now. Thank you.

BY MR. VAN BENTHYSSEN:

Q You can answer, Mr. Scavino?

A I knew the -- I've heard the music before or the theme to the music but didn't honestly think all too much about it. But I was familiar -- I've heard that before, you know, that song.

Q [REDACTED]

MR. SAUNDERS: Objection.

MR. VAN BENTHUSEN: I'll clarify that. I'll clarify it.

BY MR. VAN BENTHUSEN:

Q [REDACTED]

Q Do you know what a fair use analysis is?

A Not really.

Page 74

going to wrap this up very quickly.

I only have a handful of questions left. I just want to go through my outline and notes to make sure I didn't miss anything.

MR. SAUNDERS: And before we go off, though I just want to clear that we want to make sure that the transcript and the video are designated as confidential.

MR. WOODARD: We are certainly going to request that at the end of the deposition.

MR. SAUNDERS: Yeah.

MR. VAN BENTHUSEN: I don't think everything would be confidential but for present purposes, I can agree to that. That's fine. Okay. Back in 10.

THE VIDEOGRAPHER: We're off the record.
The time is 4:36.

(Recess taken at 4:36 p.m.)

THE VIDEOGRAPHER: We are back on the record. The time is 4:48.

BY MR. VAN BENTHYSSEN:

Q I just have a few additional questions,

Page 75

Mr. Scavino, and we'll be done here.

MR. SAUNDERS: Hold on. You have a lot in there. Can I ask to have that read back, please?

MR. VAN BENTHUSEN: Ms. Alexis, can you read that back, please? Just the question.

THE REPORTER: Sure thing. One moment.

(The record was read as requested.)

MR. VAN BENTHUSEN: You good, Darren?

MR. SAUNDERS: Okay.

BY MR. VAN BENTHYSSEN:

Q Mr. Scavino, you can answer.

A

Page 76

Q

1

Q Have you ever been a Plaintiff or a Defendant in a copyright infringement lawsuit?

A No.

Q

MR. VAN BENTHUSEN: I have no further questions. Mr. Scavino, thank you so much for your

Page 77